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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/671,478      | 09/29/2003  | Toru Osu             | 56937-092           | 1520             |

7590 03/14/2005

MCDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

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| EXAMINER |
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KIM, RICHARD H

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2871

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                   |  |
|------------------------------|--------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/671,478 | <b>Applicant(s)</b><br>OSU ET AL. |  |
|                              | <b>Examiner</b><br>Richard H. Kim    | <b>Art Unit</b><br>2871           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/2/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukihuru (US 6,603,519 B2).

Referring to claim 1, Fukihuru discloses a device comprising a casing having an opening (Fig. 4, ref. 305, 306); a display panel, which is housed inside of the casing and has an image display region facing to the opening (Fig. 4, ref. 101); and a protecting panel for closing the opening (Fig. 4, ref. 102); the protecting panel being held in such a manner that a marginal portion of the protecting panel is pressed against at least one of the display panel and the opening (Fig. 4, ref. 102).

Referring to claim 2, Fukihuru discloses a device wherein holding member for holding the protecting panel therein are fixed to the casing (Fig. 4, ref. 3), and the

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protecting panel is held in such a manner that the marginal portion of the protecting panel is retained between the casing and the holding members (Fig. 4. ref, 102).

Referring to claim 3, Fukihuru discloses a device wherein the marginal portion of the protecting panel is retained between the display panel and the casing (Fig. 4, ref. 104, 102).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukihuru in view of Niibori et al. (US 6,067,133).

Referring to claims 4 and 5, Fukihuru discloses the device previously recited, but fails to disclose that the restorative member has flexibility.

Niibori et al. discloses that the restorative member has flexibility (Fig. 1, ref. 11).

It would have been obvious to one having ordinary skill in the art at the time the invention was made for the restorative member to have flexibility since it is well known in that materials with flexibility are capable of absorbing shock thereby improving the durability of the device.

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Referring to claim 6, Fukihuru discloses a device wherein the restorative member is interposed between the marginal portion of the protecting panel and the display panel (Fig. 4, ref.103), and the image display region of the display panel is shielded by the restorative member and the protecting panel (Fig. 4,ref. 103, 102).

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukihuru and Niibori et al., further in view of White et al. (US 6,532,152).

Fukihuru and Niibori disclose the device previously recited. Fukihuru further discloses that the display panel is provided with a display panel body having the image display region (Fig. 4, ref. 401). However, the reference does not disclose a panel frame for holding the outer periphery of the display panel body, and further, the restorative member is interposed between the marginal portion of the protecting panel and the frame

White et al. discloses a device comprising a panel frame for holding the outer periphery of the display panel body (Fig. 3A, ref. 300), and further, the restorative member is interposed between the marginal portion of the protecting panel and the panel frame (Fig. 3B, ref. 314, 204).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a panel frame for holding the outer periphery of the display panel body, and further, the restorative member is interposed between the marginal portion of the protecting panel and the frame since one would be motivated to provide a “durable and reliable” display (col. 3, line 1).

Referring to claim 8, Fukihuru, Niibori et al. and White et al. disclose the device previously recited. Fukihuru further discloses that the restorative member is bonded at a

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surface in contact with the marginal portion of the protecting panel (Fig. 4, ref. 103), but fails to disclose that the restorative member is a foam, the foam being bonded, and in contact to a marginal portion or the panel frame.

Niibori et al. discloses a restorative member made of foam (Fig. 1, ref. 11), and White et al. discloses that the restorative member is in contact to a marginal portion or the panel frame (Fig. 3B, ref. 314).

It would have been obvious to one having ordinary skill in the art at the time the invention was made for the restorative member to be made of foam since foam is well known in the art to absorb shock thereby improving the durability of the device. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the restorative member to be in contact to a marginal portion or the panel frame since one would be motivated to provide a “durable and reliable” display (col. 3, line 1).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard H. Kim whose telephone number is (571)272-2294. The examiner can normally be reached on 9:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RHK

Richard H Kim  
Examiner  
Art Unit 2871



**ROBERT H. KIM**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**